

S E C R E T

OLL 84-3761/1
16 October 1984

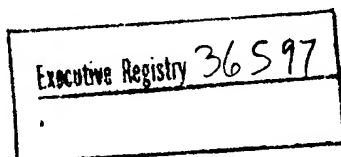
MEMORANDUM FOR THE RECORD

SUBJECT: H.R. 2892, Amendment to the Federal Aviation Act
Redefining "Public Aircraft"

1. On 2 October 1984, Marshal Filler, Assistant Counsel, Aviation, on the House Public Works and Transportation Committee called me concerning an amendment contained in H.R. 2892 which would redefine "public aircraft" as that term is used in the Federal Aviation Act (FAA) (49 U.S.C. 1301 (36)). The definition of public aircraft presently provided in the FAA includes any aircraft used exclusively in the service of a government agency. The amended definition contained in H.R. 2892 would change that definition to require an aircraft to be owned and operated by a government agency before it would qualify as a public aircraft. The effect of this amendment would be to exclude leased government aircraft from the new definition of public aircraft, since such aircraft even if used exclusively in government service, would not be owned and operated by the government. The implication of this change would be to require all government leased aircraft to comply with the comprehensive FAA standards for aircraft design, operation, maintenance and safety which apply to "civil aircraft." "Civil aircraft" is defined under the FAA as any aircraft which is not a public aircraft. Mr. Filler asked whether this amended definition of public aircraft would pose any problems for the Agency, since it would likely be attached to the Continuing Resolution and thus could be quickly enacted.

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4. Having received this information, I called Mr. Filler back on 2 October and informed him that the Agency would not be affected by this new definition contained in H.R. 2892 and could live with the proposed amendment. Mr. Filler thanked me for the information and asked me to contact him if there was any change in the Agency's position.

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Chief, Legislation Division
Office of Legislative Liaison

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98TH CONGRESS
1ST SESSION

H. R. 2892

To amend the Federal Aviation Act of 1958 to apply certain aviation safety standards to public aircraft which are leased by government agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

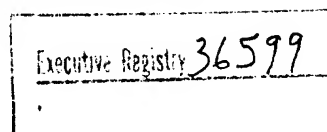
MAY 4, 1983

Mr. Mineta (for himself and Mr. Hammerschmidt) introduced the following bill; which was referred to the Committee on Public Works and Transportation

A BILL

To amend the Federal Aviation Act of 1958 to apply certain aviation safety standards to public aircraft which are leased by government agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That paragraph (36) of section 101 of the Federal Aviation
4 Act of 1958 is amended to read as follows:
5 “(36) ‘Public aircraft’ means any aircraft owned and op-
6 erated by any government or any political subdivision there-
7 of, including the government of any State, territory, or pos-
8 session of the United States, or the District of Columbia, but



1 not including any such aircraft engaged in carrying persons
2 or property for commercial purposes.”.

3 SEC. 2. The amendment made by the first section of this
4 Act shall take effect on the date of enactment of this Act,
5 except that such amendment shall not be construed to affect
6 the application of the Federal Aviation Act of 1958 or any
7 other law with respect to any aircraft which is under lease to
8 a government or a political subdivision thereof on the date of
9 enactment of this Act during the period of such lease or
10 during the six-month period beginning on the date of enact-
11 ment of this Act, whichever is the shorter period.

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